

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: REAL PROPERTY TAX SERVICES

DATE: JANUARY 24, 2008

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS BELDEN
HASKELL
BENTLEY
THOMAS
STRAINER

MICHAEL SWAN, DIRECTOR, REAL PROPERTY TAX
SERVICES
MELANIE QUIGAN, REAL PROPERTY CLERK
FREDERICK MONROE, CHAIRMAN
AMY BARTLETT, FIRST ASSISTANT COUNTY ATTORNEY
TRISH NENNINGER, SECOND ASSISTANT COUNTY
ATTORNEY

COMMITTEE MEMBERS ABSENT:

SUPERVISORS MERLINO
GOODSPEED

HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE &
FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
TODD LUNT, DIRECTOR OF HUMAN RESOURCES
RICHARD GLADU, HAGUE TOWN BOARD MEMBER
CHARLENE DiRESTA, LEGISLATIVE OFFICE SPECIALIST

Mr. Belden called the meeting of the Real Property Tax Services Committee to order at 1:00 p.m.

Motion was made by Mr. Haskell, seconded by Mr. Thomas and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Michael Swan, Director of Real Property Tax Services, who distributed copies of his Agenda to the Committee members; *a copy of the Agenda is on file with the minutes.*

Mr. Swan welcomed the new Committee members and informed them that the last page of the Agenda packet consisted of an overview of the functions of the Real Property Tax Services Department. He invited the Committee members to visit the Office at any time.

Mr. Swan stated that Item No. 1 on the Agenda were corrections to the tax rolls from the County Treasurer's Office. He added that all of the corrections were for the Town of Queensbury and were either court ordered reductions or mistakes made by the local assessors. He said that some of the corrections were refunds and some were chargebacks. He explained that a chargeback had already been

taken care of by the Collector making an adjustment to the tax bill.

Motion was made by Mr. Haskell, seconded by Mr. Thomas and carried unanimously to authorize the corrections to the tax rolls from the County Treasurer's Office, as outlined in the Agenda packet. *The necessary resolution was authorized for the February 15, 2008 Board meeting.*

Mr. Swan apprised that Item No. 2 on the Agenda pertained to the Mullen property on Bay Road in the Town of Queensbury. He said that the property had previously been a foundry and the taxes had been delinquent for approximately ten years with back taxes in excess of \$100,000. He explained that there had been a potential tenant that would have made an agreement with the owner of the property that involved payment of the back taxes; however, he added, the property owner refused to allow any testing for contamination on the property; therefore, he stated, the potential tenant backed out. He said that the property owner was supposed to enter into an installment agreement with the County by November of 2007; however, he noted, that did not happen. Trish Nenninger, Second Assistant County Attorney, stated that there were issues relating to proceedings under litigation that would need to be discussed in an executive session. Mr. Belden suggested that they proceed with the Agenda and enter into an executive session at the end of the meeting.

Mr. Swan apprised that Item No. 3 on the Agenda pertained to the Lake George Forum which was now owned by the Warren/Washington Counties Industrial Development Agency (IDA), Inc. He added that The Forum had previously been owned by Lake George Venture Partners, Inc. who had not paid their PILOT (Payment in Lieu of Taxes). He said that the County Attorney's Office had requested a resolution to authorize legal action to be taken to obtain the payment of the PILOT from Lake George Venture Partners, Inc.

Motion was made by Mr. Haskell, seconded by Mr. Thomas and carried unanimously to authorize legal action to pursue the payment of the PILOT agreement for parcel No. 264.10-1-31 in the Town of Lake George, known as the Lake George Forum and previously owned by Lake George Venture Partners. *A copy of the resolution request is on file with the minutes and the necessary resolution was authorized for the February 15, 2008 Board meeting.*

Mr. Swan said that Item No. 4 on the Agenda pertained to the new timeline for the Warren County Land Auction, which was included in the Agenda packet. He noted that the auction would be held on October 18, 2008 which would increase the time period between foreclosure and the auction by two months. He added that

the County would have title of the properties prior to the auction and hopefully the increased time period would eliminate the majority of the problems that the auction had in the past. He apprised that the Committee would need to decide on an auctioneer. He said that Auctions International, Inc., who they used last year charged a 5% auctioneer's fee and he added most of the other bidders that had resulted from the RFP (Request for Proposal) had charged a 10% auctioneer's fee. He noted that he had been satisfied with the services of Auctions International, Inc. and would like to use their services again. He said that the contract with Auctions International, Inc. included an option to extend the contract up to two additional years. He asked the Committee if they wanted to renew the contract with Auctions International, Inc. or if they wanted another RFP for the 2008 auction. Mr. Haskell noted that for 2007 there had been a second last chance meeting and questioned if this was going to continue for 2008. Mr. Swan responded that all properties that remained on the list would be posted after the July 11, 2008 'Last Day to Redeem' meeting. He added that this should flush out anyone who was not aware of the County's intention to foreclose on their property.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to extend the contract with Auctions International, Inc. for another year. *A copy of Resolution No. 286 of 2007 which authorized the agreement with Auctions International, Inc. is on file with the minutes.*

Mr. Swan apprised that Item No. 5 on the Agenda was a request for him to attend the Winter Real Property Tax Directors Conference in Albany, New York on January 28, 29 and 30, 2008. He said that the cost to the County would be \$150 for registration plus the cost of lunches for the three days and the funds were available within his budget. He noted that he had requested the use of a County vehicle to travel to and from Albany each day so he would not be requesting to stay overnight. He apprised that he would obtain credits from the Conference that were required by the State to remain certified.

Motion was made by Mr. Strainer, seconded by Mr. Thomas and carried unanimously to authorize Mike Swan, Director of Real Property Tax Services, to attend the Winter Real Property Tax Directors Conference, as outlined above. *A copy of the authorization to attend meeting or conference is on file with the minutes.*

Mr. Swan stated that Item No. 6 on the Agenda pertained to the position of Real Property System Coordinator that had been created in the fall of 2007, to allow Teri Ross, former Deputy Director of Real Property, to assist in the year-end work concerning taxes, tax rolls and billing. He said that he was requesting to create the position again for 2008 and added that funds were available within the budget due to a vacant position that had not been filled in the office. Mr. Belden noted

that the Committee could discuss this issue during the executive session at the end of the meeting.

Mr. Swan apprised that Item No. 7 on the Agenda was to inform the Committee that Warren County had been awarded funding from the Centralized Property Tax Administration Program (CPTAP) grant in the amount of \$25,000. He added that the funding was for the preparation of a study to implement a county-wide assessing program and that acceptance of the grant did not require implementation of the program. He said an additional \$25,000 would be awarded upon submission of the study and the minutes of the Committee meeting acknowledging receipt of the report. He stated that he could complete the study himself at no cost to the County. He was requesting to amend the 2008 County budget to accept the grant funding.

Motion was made by Mr. Haskell, seconded by Mr. Strainer and carried unanimously to approve the request to amend the 2008 County budget to reflect the receipt of the Centralized Property Tax Administration Program (CPTAP) grant in the total amount of \$50,000, and to refer the same to the Finance Committee. *Note: Subsequent to the meeting it was determined that a budget amendment was not required as there was no appropriation for the funds. Therefore, the \$50,000 will be recorded as general fund revenue.*

Mr. Swan said that Item No. 8 on the Agenda was a request to fill the position of Real Property Clerk, base salary of \$24,059, due to resignation. He added that the position would be vacant as of February 6, 2008. He noted that he had deleted one Real Property Clerk position and could not afford to have this position remain vacant.

Motion was made by Mr. Thomas, seconded by Mr. Strainer and carried unanimously to approve the request to fill the vacant position of Real Property Clerk, base salary \$24,059, Employee No. 10997, due to resignation and to forward same to the Personnel Committee. *A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.*

Mr. Belden apprised that he had spoken with Dan Stec, Supervisor for the Town of Queensbury and he said Mr. Stec would like to see the tax exemption for veterans increased from \$180 to \$240. Mr. Belden asked Mr. Swan to research what impact this increase would have on the County and present his findings at the next Committee meeting. Mr. Swan responded affirmatively and added that he would also research the increase for cold war veterans. He noted that there were two technical amendments for Cold War Veterans Tax Exemption that were being considered in the State legislature. He added that the outcome of those two

amendments would have an impact on the County and their decision to increase the veteran tax exemption.

Mr. Belden introduced Richard Gladu, Hague Town Board Member, who wished to address the Committee. Mr. Gladu asked Mr. Swan if the CPTAP grant had been just for Warren County or if other counties were able to participate. Mr. Swan replied that every county had been given the option to apply for the grant and that 15 or 16 counties had applied. He added that the deadline to file had been December 1, 2007 but had been extended to March 1, 2008. Mr. Gladu asked if Mr. Swan knew if Essex County had applied and Mr. Swan responded that the last he had heard they had not yet applied. Mr. Gladu stated that it was necessary for Essex County and Warren County to be consistent when assessing the properties in the Town of Hague. Mr. Swan noted that the parameters of the study were to decide if it would be feasible for Warren County to switch to a County-wide assessing program.

Mr. Gladu stated that he was not only a member of the Hague Town Board, he was also a founding father of the Tri-County Committee for Property Tax Reform. He added that the Committee included Warren, Washington and Essex Counties. He apprised that he had read about the Dillenburg case in the newspaper which would allow the State of New York to be exempt from paying property tax on land that was designated as forest preserve. He added that this court case could have a \$70 million impact on New York State taxpayers. He said that the impact to the taxpayers in the Town of Hague would be significant and could mean a potential 10% increase in property taxes. He apprised that taxpayers in the Town of Hague paid approximately \$55,000 per child to send their children to school in Ticonderoga. He noted the Tri-County Committee for Tax Reform was opposed to the Dillenburg case. Mr. Belden noted that Warren County had passed a resolution in opposition of the Dillenburg case. Mr. Monroe stated that the County Attorney's Office was working on the possibility of Warren County's involvement in the legal action.

Mr. Belden stated that the Committee needed to enter into an executive session to discuss current litigation, as well as the employment history of a particular person.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously that executive session be declared pursuant to Section 105 (d) and (f) of the Public Officers Law.

Executive session was declared from 1:15 p.m. until 2:05 p.m.

The Committee reconvened.

Pursuant to the executive session, motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to allow the County Attorney to begin the process of obtaining Brown Fields Grant funding to inspect Parcel No. 302.8-1-2 in the Town of Queensbury (Mullen property) for possible contamination. *A copy of the resolution request is on file with the minutes and the necessary resolution was authorized for the February 15, 2008 Board meeting.*

Mr. Belden stated that the Committee had decided to discuss the issue of creating the new position of Real Property Systems Coordinator with the County Attorney before making a decision and advised Mr. Swan that he was not authorized to retain Mrs. Ross at this time.

Mr. Haskell asked what the Committee would do about the possibility of State-owned forest preserve being exempt from property tax. Mr. Thomas asked if the State received a tax bill like other property owners. Mr. Swan responded that they were not issued a bill for each property. He said the County Treasurer's Office compiled all of the information into one statement that was sent to the State.

Mr. Monroe stated that the Dillenburg case could have a potential impact of \$6.2 million on Warren County. He added that the County had not previously been a party to the lawsuit. He said that the Attorney General had made a motion to the court that representatives from the Counties that were affected should be included in the legal action; however, he added, the judge had denied the motion. He expounded that the Attorney General had not informed the Counties of his intent to make the motion or that the motion had been denied. He said that he was not comfortable having the Attorney General represent Warren County on this matter. He apprised that Paul Dusek, County Attorney, would have a phone conference tomorrow with all the County Attorneys for the Adirondacks and the Catskills. He added that local environmental groups also did not want the State to be exempt from property taxes on forest preserves and were willing to join with the Counties in the legal action. Mrs. Nenninger said that the State was required to continue paying property taxes until the case went to appeal. Mr. Monroe said that the Adirondack Landowners had said that they would pay one quarter of the court costs. Mr. Belden asked if the Committee wanted to make a motion to get involved in the lawsuit. Mr. Monroe responded that the County already had a resolution on the Dillenburg case that was not specific to the lawsuit. He added that he had discussed this with Mr. Dusek who had advised that as County Attorney he had the authority to hire outside council for the County at a cost of up to \$3,000 without a Board resolution. Mr. Monroe recommended passing a resolution of support for Warren County to participate in the lawsuit under the recommendation of the County Attorney.

Motion was made by Mr. Haskell, seconded by Mr. Thomas and carried

unanimously to support Warren County's participation in the Dillenburg court case pursuant to the recommendation of the County Attorney. *A copy of the resolution request is on file with the minutes and the necessary resolution was authorized for the February 15, 2008 Board meeting.*

Mr. Strainer asked Mr. Swan if he could provide addresses for the properties that were included in the corrections to the tax rolls from the Treasurer's Office. Mr. Swan responded that the Treasurer's Office had generated the list and he would ask them to provide the addresses. Mr. Strainer asked if the court ordered reductions involved the court having an outside party assess the property. Mr. Swan replied that the court was a mediator who made a decision based on information from the landowner and the assessor. Mr. Haskell stated that the Judge had probably never seen the properties.

As there was no further business to come before the Real Property Tax Services Committee, on motion made by Mr. Strainer and seconded by Mr. Bentley, Mr. Belden adjourned the meeting at 2:15 p.m.

Respectfully submitted,

Charlene DiResta, Legislative Office Specialist